

# United States Court of Appeals for the Fifth Circuit

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No. 22-11166  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

May 31, 2023

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

OCTAVIO FERNANDEZ, JR.,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:19-CR-359-1

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Before STEWART, DUNCAN, and WILSON, *Circuit Judges.*

PER CURIAM:\*

The Federal Public Defender appointed to represent Octavio Fernandez, Jr., has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Fernandez has not filed a response. We have reviewed counsel's brief and the relevant portions of the record

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\* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 22-11166

reflected therein. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the appeal is DISMISSED. *See* 5TH CIR. R. 42.2.